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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/628,173 | 07/28/2003 | Charles J. Thomas | Q1014/20014 | 5596 |

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| EXAMINER | |
|---|---|
| LOVING, JARIC E | |
| **ART UNIT** | **PAPER NUMBER** |
| 2137 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/628,173 | THOMAS ET AL. | |
| | Examiner | Art Unit | |
| | Jaric Loving | 2137 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *28 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/20/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed December 20, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The International Search Report was not provided and was therefore, not considered.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fransdonk, US 6,993,137 and further in view of Loeb et al., US 5,245,656.

In claim 1, Fransdonk discloses a method allowing the content of the message, and subsequent messages, issued from that source to be analyzed, and wherein the source is coupled to a cable television system for receiving television programming content therefrom, said method comprising the steps of:

encrypting the content of a message issued from the source to form a first message, said first message containing source identification indicia, said first message being transmitted to a remote device (col. 6, line 49 – col. 7, line 9);

decrypting said first message into a first decrypted message upon receipt of said first message by said remote device (col. 6, line 49 – col. 7, line 9);

encrypting said first decrypted message along with said identification indicia into a second message and transmitting said second message to a location to be analyzed (col. 6, line 49 – col. 7, line 9).

Fransdonk fails to disclose obscuring the identity of the source of a message and substituting said source identification indicia with anonymous identification indicia that cannot be traced back to said source identification indicia. Loeb discloses substituting said source identification indicia with anonymous identification indicia that cannot be traced back to said source identification indicia (col. 4, lines 19-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Fransdonk's method of secure content distribution on a network with Loeb's security method for private information delivery utilizing anonymous identification indicia to protect users. It is for this reason that one of ordinary skill in the art would have been motivated to provide Fransdonk's method of secure content distribution on a network with anonymous identification indicia because it enables users to keep personal information private and untraceable (col. 1, lines 16-29).

In claim 2, Fransdonk, as modified, discloses the method of claim 1 wherein said step of substituting said source identification indicia with anonymous identification

indicia comprises generating said anonymous identification indicia by using a character string and a portion of said source identification indicia in a mathematical hash algorithm (Fransdonk, col. 38, lines 24-33 and lines 38-43; Loeb, col. 4, lines 5-34).

In claim 3, Fransdonk, as modified, discloses the method of claim 2 wherein said step of generating said anonymous identification indicia is repeated each time a subsequent message from a particular source is received such that said anonymous identification indicia is consistent for each source (Loeb, col. 4, lines 5-34).

In claim 4, Fransdonk, as modified, discloses the method of claim 1 wherein the cable system is operated by a cable operator entity and wherein said second message analysis is operated by a viewership analysis entity, and wherein said step of substituting said source identification indicia with anonymous identification indicia is performed at a secure location where the viewership analysis entity cannot gain access (Fransdonk, col. 6, lines 11-22 and lines 42-48; Loeb, col. 6, lines 8-23 and lines 39-49).

In claim 5, Fransdonk, as modified, discloses the method of claim 4 wherein the viewership analysis entity can gain access to said secure location only with assistance from the cable operator entity or an agent thereof (Loeb, col. 6, lines 8-23 and lines 39-49).

In claim 6, Fransdonk, as modified, discloses the method of claim 4 wherein the secure location comprises a computer that is password-protected and wherein the cable operator entity, or an agent thereof, does not have the password (Loeb, col. 3, lines 6-7 and lines 44-52 – session key acts similar to password since the provider does not have knowledge of the session key between the end-user and translator).

In claim 7, Fransdonk, as modified, discloses the method of claim 1 further comprising the step of inserting cable system source data into said first decrypted message (Fransdonk, col. 6, line 64 – col. 7, line 4).

In claim 8, Fransdonk, as modified, discloses the method of claim 7 wherein said source data comprises cable system network segment data (Fransdonk, col. 6, line 64 – col. 7, line 4; Loeb, col. 1, lines 16-19).

In claim 9, Fransdonk, as modified, discloses the method of claim 7 wherein said source data comprises cluster code data (Fransdonk, col. 6, line 64 – col. 7, line 4; Loeb, col. 1, lines 16-19).

In claim 10, Fransdonk, as modified, discloses the method of claim 1 wherein said source is a set top box (Fransdonk, col. 6, lines 44-48; col. 36, lines 3-8).

In claim 11, Fransdonk, as modified, discloses the method of claim 1 wherein said source is a cell phone (Fransdonk, col. 6, lines 44-48; col. 36, lines 3-8).

In claim 12, Fransdonk, as modified, discloses the method of claim 1 wherein said source is a personal digital assistant (Fransdonk, col. 6, lines 44-48; col. 36, lines 3-8).

In claim 13, Fransdonk, as modified, discloses a system for obscuring the identity of the source of a message while allowing the content of the message, and subsequent messages, issued from that source to be analyzed, wherein the source is coupled to a cable television system for receiving television programming content therefrom, and wherein the source encrypts the message content while embedding source identifier

indicia in the encrypted message, said system comprising a server, said server comprising:

means for decrypting the encrypted message into a first decrypted message (col. 6, line 49 – col. 7, line 9);

means for encrypting said first decrypted message having identification indicia embedded therein to form a second encrypted message having identification indicia embedded therein (col. 6, line 49 – col. 7, line 9); and

wherein said server transmits said second encrypted message having identification indicia to message content analysis means (col. 6, line 49 – col. 7, line 9).

Fransdonk fails to disclose means for generating anonymous identification indicia and for substituting the source identifier indicia with said anonymous identification indicia to form a first decrypted message having said anonymous identification indicia embedded therein, said anonymous identification indicia preventing said first decrypted message from being traced back to said source identifier indicia. Loeb discloses means for generating anonymous identification indicia and for substituting the source identifier indicia with said anonymous identification indicia to form a first decrypted message having said anonymous identification indicia embedded therein, said anonymous identification indicia preventing said first decrypted message from being traced back to said source identifier indicia (col. 4, lines 19-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Fransdonk's method of secure content distribution on a network with Loeb's security method for private information delivery utilizing anonymous

identification indicia to protect users. It is for this reason that one of ordinary skill in the art would have been motivated to provide Fransdonk's method of secure content distribution on a network with anonymous identification indicia because it enables users to keep personal information private and untraceable (col. 1, lines 16-29).

In claim 14, Fransdonk, as modified, discloses the system of claim 13 wherein said means for generating anonymous identification indicia comprises a computer-readable medium having computer-executable instructions for using a character string and a portion of said source identification indicia in a mathematical hash algorithm to generate said anonymous identification indicia (Fransdonk, col. 38, lines 24-33 and lines 38-43; Loeb, col. 4, lines 5-34).

In claim 15, Fransdonk, as modified, discloses the system of claim 14 wherein said means for generating anonymous identification indicia repeats the use of said mathematical hash algorithm each time a subsequent message from a particular source is received such that said anonymous identification indicia is consistent for each source (Loeb, col. 4, lines 5-34).

In claim 16, Fransdonk, as modified, discloses the system of claim 15 wherein said source is a set top box (Fransdonk, col. 6, lines 44-48; col. 36, lines 3-8).

In claim 17, Fransdonk, as modified, discloses the system of claim 15 wherein the source comprises a memory chip that permits said source to receive the television programming content and wherein said source is a cell phone (Fransdonk, col. 6, lines 44-48; col. 36, lines 3-8).

In claim 18, Fransdonk, as modified, discloses the system of claim 15 wherein the source comprises a memory chip that permits said source to receive the television programming content and wherein said source is a personal digital assistant (Fransdonk, col. 6, lines 44-48; col. 36, lines 3-8).

In claim 19, Fransdonk, as modified, discloses the system of claim 13 wherein the cable system is operated by a cable operator entity and wherein said message content processing is managed by a viewership analysis entity, said server being positioned at a secure location where the viewership analysis entity cannot gain access (Fransdonk, col. 6, lines 11-22 and lines 42-48; Loeb, col. 6, lines 8-23 and lines 39-49).

In claim 20, Fransdonk, as modified, discloses the system of claim 19 wherein said viewership analysis entity can gain access to said secure location only with assistance from the cable operator entity or agent thereof (Loeb, col. 6, lines 8-23 and lines 39-49).

In claim 21, Fransdonk, as modified, discloses the system of claim 19 wherein said means for generating anonymous identification indicia comprises a computer that is password-protected and wherein the cable operator entity does not have the password (Loeb, col. 3, lines 6-7 and lines 44-52).

In claim 22, Fransdonk, as modified, discloses the system of claim 15 further comprising means for inserting cable system source data into said first decrypted message (Fransdonk, col. 6, line 64 – col. 7, line 4).

In claim 23, Fransdonk, as modified, discloses the method of claim 22 wherein said source data comprises cable system network segment data (Fransdonk, col. 6, line 64 – col. 7, line 4; Loeb, col. 1, lines 16-19).

In claim 24, Fransdonk, as modified, discloses the method of claim 22 wherein said source data comprises cluster code data (Fransdonk, col. 6, line 64 – col. 7, line 4; Loeb, col. 1, lines 16-19).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kay et al., US 7,110,714; Slezak, US 6,006,257; Galler et al., US 5,649,283; Teppler, US 2006/0080536; Boykin et al., US 2003/0079222; Van Rijnsoever, US 2001/0012366.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaric Loving whose telephone number is (571) 272-1686. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER